



The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

January 26, 2006

The Honorable David P. Currier, Chairman  
Resources, Recreation, and Development Committee  
Room 305, LOB  
Concord, NH 03301

**RE: House Bill 1494, Relative to Public Use of Groundwater**

Dear Representative Currier:

Thank you for the opportunity to comment on HB 1494 which would require the Department of Environmental Services (DES) to give municipal water supplies primacy in the use of groundwater that is wholly or partially within the jurisdiction of the municipality when the making any decisions or issuing any permit pursuant to RSA 485-C.

The requirements of this bill are unclear to DES at this time. It is recommended that standards of judgment or definitive decision making criteria be added to the bill. This will allow DES to provide more specific information about the bill, as well as to more effectively administer its requirements if adopted.

The Groundwater Protection Act, RSA 485-C, regulates numerous groundwater protection programs, including large groundwater withdrawal permitting, groundwater reclassification, release detection permitting, groundwater management zone permitting, and best management practices regulations. All of these programs are designed to prevent groundwater contamination. Each of these programs are designed to protect the quality and/or quantity of groundwater in New Hampshire and include numerous municipal involvement opportunities. Often, a single project subject to a provision of the Groundwater Protection Act could affect the groundwater in multiple municipalities, possibly in different ways. This may especially be the case when a municipality is the proponent of a project that may affect the quality or quantity of water in another municipality.

Thank you again for the opportunity to comment on this legislation. If you have any questions or need additional information, please do not hesitate to call Sarah Pillsbury at 271-1168 or me at 271-3449.

Sincerely,

  
Michael P. Nolin  
Commissioner

cc: Senator Carl R. Johnson  
Rep. Frank Tupper  
Rep. Howard C. Dickinson  
Rep. James F. Powers  
Rep. Nancy K. Johnson  
Rep. Dennis F. Abbott  
Harry T. Stewart, DES Water Division Director  
Sarah Pillsbury, DES